

**CALENDAR ITEM
C53**

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06/23/11
W 26454
N. Lavoie

**GENERAL LEASE – PUBLIC AGENCY USE
AND APPROVAL OF A SUBLEASE**

APPLICANT/SUBLESSOR:

California Department of Parks and Recreation

SUBLEESSEE:

Stewards of the Coast and Redwoods

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Russian River, adjacent to Assessor's Parcel Number 099-120-009, near the town of Jenner, Sonoma County.

AUTHORIZED USE:

LEASE: Removal of an existing public boat launch ramp, construction of a new public boat launch ramp, placement of bank protection, use and maintenance of an existing public visitor's center, and the temporary placement of a silt curtain during construction as shown on the attached Exhibit A.

SUBLEASE: Management and operation of interpretive and educational elements of visitor's center.

LEASE TERM:

LEASE: 20 years, beginning June 23, 2011.

SUBLEASE: July 18, 2008 through August 31, 2011.

CONSIDERATION:

Visitor's Center: The public use and benefit; provided, however, that the State shall have the right to set a monetary rent for any reporting period in which revenue, derived from or attributable to use of the public visitor's center, is used for any purpose other than the interpretive and educational program of the California Department of Parks and Recreation.

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Boat Launch Ramp and Bank Protection: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

1. Construction activities in the Russian River may only occur between June 15th and October 15th, and must be completed by October 15, 2014.
2. Prior to the start of construction and at all times while construction activities are taking place in the Russian River, a bright yellow silt curtain anchored by warning buoys will be placed to provide notice to the public that construction activities are taking place and to exercise caution.
3. At all times during construction, Lessee agrees to install precautionary signage or warning buoys upstream and downstream of the construction in the river in order to provide adequate warning notices to recreational users on the Russian River of the potential safety hazards associated with project construction.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. The California Department of Parks and Recreation (CDPR) is now applying for a General Lease – Public Agency Use for the removal of an existing public boat launch ramp, construction of a new public boat launch ramp, placement of bank protection, use and maintenance of an existing public visitor's center, and the temporary placement of a silt curtain during construction. The existing boat launch ramp and visitor's center facility were not previously authorized by the Commission.
3. The California Department of Boating and Waterways has agreed to fund and execute the replacement of the boat launch ramp and placement of bank protection through its Capital Outlay Program. The purpose of the project is to replace the existing boat launch ramp which is breaking down due to erosion and is unusable at low tide. The bank along the property is also experiencing erosion.
4. Approximately 200 cubic feet of bank protection (rip rap) will be placed along the entire length of the upland property to match the existing bank protection in place at the neighboring upstream property.
5. The overall configuration and function of the boat launch ramp will remain the same while the length will increase by 20 feet to allow boaters to

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launch during high and low tide. The launch ramp will be constructed of a washed crushed aggregate leveling course (base) below pre-cast, v-grooved concrete panels. The aggregate base course portion of the fill will be protected from disturbance by the concrete panels and riprap that surround the boat ramp.

6. The visitor's center, known as Jenner Visitor's Center, services the general public and is open five days a week (Thursday through Monday) during the busy season and on weekends during the off season. The visitor's center is staffed by volunteers through the Stewards of the Coast and Redwoods (Stewards) and contains a nature store with an assortment of educational items and interpretive displays showing Sonoma Coast history, flora, and fauna. It is a rectangular shaped wood frame structure supported by 24 wood piles, surrounded by a wood deck on the north, south and east sides, and is serviced by sewer, water, and electricity.
7. In 2008, the Stewards were contracted by CDPR in a cooperative relationship to fund and support interpretive and educational elements of State parks. The Stewards is a private, non-profit, charitable [IRS 501 (c) (3)] corporation formed under the laws of California. Services are performed at State park units throughout the Russian River District, including the Jenner Visitor's Center, and in-park sales revenue is used to further the interpretive and educational program of the CDPR. Staff is recommending approval of a sublease between CDPR and the Stewards for the remaining term ending August 31, 2011, and will bring a new sublease for the Commission's consideration at a subsequent meeting.
8. **Visitor's Center:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

9. **Boat Launch Ramp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project.

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The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

10. **Bank Protection:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

11. **Sublease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060 (c)(3)], staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

12. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Boat Launch Ramp and Bank Protection:

North Coast, California Regional Water Quality Control Board, North Coast Region
California Department of Fish and Game
California Department of Boating and Waterways

FURTHER APPROVALS REQUIRED:

Boat Launch Ramp and Bank Protection:

California Coastal Commission

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United States Army Corps of Engineers
United States Fish and Wildlife Service
NOAA National Marine Fisheries Service

EXHIBITS:

- A. Site and Location Map
- B. Land Description

PERMIT STREAMLINING ACT DEADLINE:

August 22, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Visitor's Center: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Boat Launch Ramp: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

Bank Protection: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

Sublease: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

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AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to California Department of Parks and Recreation beginning June 23, 2011, for a term of 20 years, for removal of an existing public boat launch ramp, construction of a new public boat launch ramp, placement of bank protection, use and maintenance of an existing public visitor's center, and the temporary placement of a silt curtain during construction as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; consideration for the bank protection and boat launch ramp: the public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest; consideration for the public visitor's center: the public use and benefit with the State reserving the right to set a monetary rent for any reporting period in which revenue, derived from or attributable to use of the public visitor's center, is used for any purpose other than the interpretive and educational program.

2. Authorize a sublease, effective June 23, 2011, of the lease premises between the California Department of Parks and Recreation and the Stewards of the Coast and Redwoods for the remaining term ending August 31, 2011.